

AMENDED IN SENATE JULY 1, 2015
AMENDED IN ASSEMBLY APRIL 29, 2015
AMENDED IN ASSEMBLY APRIL 14, 2015
AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 385

Introduced by Assembly Member Chu

February 18, 2015

An act to add and repeal *Article 6 (commencing with Section 43209.3 40280) of the Public Resources Code, Health and Safety Code, relating to solid waste: air pollution.*

LEGISLATIVE COUNSEL'S DIGEST

AB 385, as amended, Chu. Solid waste facilities: local enforcement agencies. *Newby Island Landfill: stakeholder group.*

The California Integrated Waste Management Act of 1989, which is administered by the Department of Resources Recycling and Recovery, prohibits a person from operating a solid waste facility without a solid waste facilities permit, as provided. The act requires the department to prepare and adopt certification regulations for local enforcement agencies. The act requires the local enforcement agency, if it receives a complaint from an air pollution control district or an air quality management district pertaining to an odor emanating from a compost facility under its jurisdiction, to take appropriate enforcement actions, as provided. *Existing law creates the Bay Area Air Quality Management District, with various responsibilities relative to the reduction of air pollution in the area of its jurisdiction.*

This bill would, until January 1, 2019, require the ~~local enforcement agency that has jurisdiction over the Newby Island Landfill~~ Bay Area Air Quality Management District to establish a ~~Newby Island Landfill Community Advisory Committee, comprised South Bay Odor Stakeholder Group,~~ composed of representatives of specified local and state government agencies, members of the public, and a representative of the landfill operator, *among other entities*, to hold public meetings, relating to ~~the proposed odors that emanate from the Newby Island Landfill expansion and locations around the landfill~~ and take other actions as provided. By imposing new duties on a ~~local enforcement agency, the Bay Area Air Quality Management District~~, this bill would create a state-mandated local program.

The bill would declare that a special law is necessary and that a general law cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. ~~Section 43209.3 is added to the Public Resources~~
- 2 Code, to read:
- 3 ~~43209.3. (a) The local enforcement agency that has jurisdiction~~
- 4 ~~over the Newby Island Landfill shall establish a Newby Island~~
- 5 ~~Landfill Community Advisory Committee, comprised of the~~
- 6 ~~following members:~~
- 7 ~~(1) A representative from each city located within one mile of~~
- 8 ~~the Newby Island Landfill, who shall be appointed by the city~~
- 9 ~~council of the city and who shall represent the city.~~
- 10 ~~(2) A representative of the local enforcement agency that has~~
- 11 ~~jurisdiction over the Newby Island Landfill, who shall be appointed~~
- 12 ~~by that local enforcement agency.~~

1 ~~(3) A representative from the Bay Area Air Quality Management~~
2 ~~District, who shall be appointed by the district.~~

3 ~~(4) A representative of the Newby Island Landfill operator.~~

4 ~~(5) Two members of the public, who shall be agreed upon and~~
5 ~~appointed by the city councils of the cities described in paragraph~~
6 ~~(4).~~

7 ~~(b) The advisory committee shall do all of the following:~~

8 ~~(1) Hold a public meeting, at least once every six months, but~~
9 ~~more frequently if desired by the advisory committee, to discuss~~
10 ~~issues related to the proposed Newby Island Landfill expansion.~~

11 ~~(2) Receive and review information related to an independent~~
12 ~~odor study, if such a study is completed, and make~~
13 ~~recommendations to the government agencies represented on the~~
14 ~~committee.~~

15 ~~(c) This section shall remain in effect only until January 1, 2019,~~
16 ~~and as of that date is repealed, unless a later enacted statute, that~~
17 ~~is enacted before January 1, 2019, deletes or extends that date.~~

18 *SECTION 1. Article 6 (commencing with Section 40280) is*
19 *added to Chapter 4 of Part 3 of Division 26 of the Health and*
20 *Safety Code, to read:*

21
22 *Article 6. South Bay Odor Stakeholder Group*
23

24 *40280. (a) The bay district shall establish a South Bay Odor*
25 *Stakeholder Group, comprised of the following members:*

26 *(1) A representative from each of the City of San Jose, the City*
27 *of Milpitas, and the City of Fremont, who shall be appointed by*
28 *the city council of the respective city and who shall represent that*
29 *city.*

30 *(2) A representative of the local enforcement agency for the city*
31 *of San Jose.*

32 *(3) A representative of the bay district, who shall be appointed*
33 *by the district.*

34 *(4) A representative of the San Francisco Bay Area Regional*
35 *Water Quality Board.*

36 *(5) A representative of the California Coastal Conservancy and*
37 *a representative of the California Environmental Protection*
38 *Agency.*

39 *(6) A representative of the South Bay Salt Pond Restoration*
40 *Project.*

1 (7) A representative of the San Jose-Santa Clara Regional
2 Wastewater Facility.

3 (8) A representative of the entity that represents the Newby
4 Island Landfill and associated landfill operations, and a
5 representative of a dry fermentation anaerobic digestion facility
6 that operates in the City of San Jose.

7 (9) Two members of the public, who shall be agreed upon and
8 appointed by the city councils of the cities described in paragraph
9 (1).

10 (b) The stakeholder group shall do all of the following:

11 (1) Hold a public meeting, at least once every six months, but
12 more frequently if desired by the stakeholder group, to discuss
13 issues related to odors that emanate from the Newby Island Landfill
14 and odors that emanate from other locations around the landfill.

15 (2) Receive and review information related to an independent
16 odor study, if such a study is completed, and make
17 recommendations to the government agencies, including the
18 California Environmental Protection Agency, represented on the
19 committee.

20 (c) This section shall remain in effect only until January 1, 2019,
21 and as of that date is repealed, unless a later enacted statute, that
22 is enacted before January 1, 2019, deletes or extends that date.

23 SEC. 2. The Legislature finds and declares that a special law
24 is necessary and that a general law cannot be made applicable
25 within the meaning of Section 16 of Article IV of the California
26 Constitution because of the unique odors that emanate from various
27 locations around the Newby Island Landfill located in the County
28 of Santa Clara.

29 ~~SEC. 2.~~

30 SEC. 3. If the Commission on State Mandates determines that
31 this act contains costs mandated by the state, reimbursement to
32 local agencies and school districts for those costs shall be made
33 pursuant to Part 7 (commencing with Section 17500) of Division
34 4 of Title 2 of the Government Code.